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IN THE

Supreme Court of the United States

October Term, 1961.

No. 178

TUSKEGEE INSTITUTE, *Petitioner,*

v.

THE BANK OF NEW YORK, as Trustee of the Trust established by ARTHUR B. EMMONS by Indenture dated May 8, 1916, THE BANK OF NEW YORK, as Executor of the Will of JULIA W. EMMONS, deceased, THE TRUSTEES OF ROBERT COLLEGE OF ISTANBUL, THE METROPOLITAN MUSEUM OF ART, THE NEWPORT HOSPITAL, BEREA COLLEGE, IRVING B. KINGSFORD and CLEVELAND E. DODGE as Executors of the Will of EDITH C. KINGSFORD, THE AMERICAN MUSEUM OF NATURAL HISTORY, AMERICAN UNIVERSITY OF BEIRUT, HAMPTON INSTITUTE, RICHARD S. HUMPHREY, JR., JOAN HUMPHREY WATKINS, MARION HUMPHREY JACOBSON, ELIZABETH A. CURTIS, MARIE JOHNSON, AUGUST R. MEYER, HENRY H. MEYER, JR., MARY MEYER, GEORGE W. W. BREWSTER, JR., WILLIAM L. BREWSTER, HENRY BREWSTER, HARRIET TERRY, THEODORE O. BREWSTER, BENJAMIN BREWSTER, HENRY DAVENPORT, THE MERCHANTS NATIONAL BANK OF BOSTON and HENRY HIXON MEYER as trustees under an agreement and declaration of trust dated August 31, 1956 made by HENRY DAVENPORT, ROBERT W. EMMONS, JR., CLARA EMMONS LEVY, GARDNER EMMONS, WILLIAM B. EMMONS, JR., NATHANIEL PARKINSON as executor of the estate of MARY E. PARKINSON, IRVIN McD. GARFIELD, JR., ELEANOR GARFIELD, JANE G. CHEEVER, SISTER FRANCES ELIZABETH OF ALL SAINTS, GEORGE B. EMMONS, ELIZABETH EMMONS HOLMES, HARTFORD NATIONAL BANK & TRUST COMPANY, DOROTHY EMMONS SEBENIUS, MARTHA EMMONS FLYNN and MARGARET EMMONS MILLER, *Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF NEW YORK

Memorandum on Behalf of Respondents The Bank of New York as Executor of the Will of Julia W. Emmons, Deceased, The Trustees of Robert College of Istanbul, The Metropolitan Museum of Art, The Newport Hospital, Berea College, Irving B. Kingsford and Cleveland E. Dodge as Executors of the Will of Edith C. Kingsford, The American Museum of Natural History, American University of Beirut and Hampton Institute

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For the cogent and persuasive reasons stated by petitioner Tuskegee Institute in its petition for a writ of certiorari to the Court of Appeals in this case, respondents The Bank of New York, as executor of the Will of Julia W. Emmons, deceased, The Trustees of Robert College of Istanbul, The Metropolitan Museum of Art, The Newport Hospital, Berea College, Irving B. Kingsford and Cleveland E. Dodge as executors of the Will of Edith C. Kingsford, The American Museum of Natural History, American University of Beirut and Hampton Institute acquiesce in said petition and respectfully submit that the Court should grant the same and issue a writ of certiorari to review the decision of the Court of Appeals of the State of New York in this case.

Respectfully submitted,

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